

# HOUSE JOURNAL

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SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

FORTIETH DAY — TUESDAY, MARCH 25, 1997

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 64).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Rodriguez.

The invocation was offered by Chris Swinford, son of Representative Swinford, minister, Third and Kilgore Church of Christ, Portales, New Mexico, as follows:

Dearest Father, we come before you in awe of your majesty, love, and power. We recognize you as our father, king, and counselor. It is in you, the God who created and sustains this universe, that we put our hopes today and we pray that you will continue to bless us today as you have in the past.

We, among all people, have been truly blessed. We live in the most prosperous and blessed land in the world today and we are grateful for the fact that our founding fathers thought to base our country on you and your principles. Father, may this ever be, "One nation under God," and may we ever say, "In God we trust." We ask, Father, that you be with our national leaders, that you may bless them, and inspire them to promote your ideas and ways. We ask that you be with the leadership of every state in this country as well, especially at this time, we pray that you will be with the leaders of this state, the glorious State of Texas.

Father, please be with Governor Bush and those working alongside him. Help him to provide the visible leadership that we in this part of the country

so desperately need. We are grateful for the good works he has done and for the type of man he is and family he has. Please be with those in the Texas senate. Help them to represent the people of Texas well, while they work to represent you as well. Help them to be honest, moral, and ethical as they make decisions and affect policy.

We ask also, Father, that you be with those who serve here, in the house of representatives. Father, help these men and women to realize that they are here to represent others and to serve the needs of those in their districts and in this state. Help them to feel the burden of making good legislation and in making this a great place to live today, as well as tomorrow. Help personal and political agendas to be secondary to doing what is good and right for those who entrusted them to serve in this way. Help them to find inspiration and advice in the representative you sent to this world in Jesus Christ. Father, bless them today as they make decisions, meet in committee, and make plans and goals for the days ahead. They have a great responsibility and need the strength to live as you would have them live. We ask that you especially be with Speaker Laney as he leads this body. He has proven himself to be an admirable man, worthy of the honor of speaker, and we pray that you will continue to guide him and those serving as leaders in committees.

Father, help us to be a compassionate people. Break our hearts with the plights of those around us and help us to minister to them in our churches, communities, and families. Father, help us to become individually responsible for making our world a better place. We don't need more programs, we need more of you in our day to day lives. Help us to be responsible stewards of the blessings that we have and to live responsibly on the money and blessings we have been blessed with in abundance. Father, we ask that you bring unity to those in this assembly, in this government, in this state, and in this nation. Father, we get so much more done when we are working together. Help us to base this unity on a belief in you and the ethical, moral way you have called us all to live.

Father, I'm grateful that I was born in this state and raised in a small town in the Texas panhandle. I'm glad that I was raised in a place and time where integrity, morality, and decency were prized above selfish desires. Father, preserve this heritage and this lifestyle. I pray that my two sons have the benefit of this same type of community and upbringing. Thank you for my father who has always led our family well, and now leads in that same spirit here in the Texas legislature. Be with all of these men and women that they may be able to travel safely and have good health as they serve here.

Father, we thank you for Jesus who gave us an example of how to live godly in this world, and who died and was raised so that we can someday have a hope of living in heaven with you. We thank you for the Holy Spirit who gave us your word and inspires us as we strive to follow you and live by your words, and we thank you, Father, for your loving control and divine care. Help us to just do the best we can, as we strive to follow you according to what we see in your word.

God bless us all. God bless this country and God bless Texas. We pray all these things through the name of Jesus. Amen.

### LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business in the district:

Rodriguez on motion of Price.

### BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 24).

### MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

(Goolsby in the chair)

### CAPITOL PHYSICIAN

The chair recognized Representative Bonnen who presented Dr. Nick Giannone of Lake Jackson as the "Doctor for the Day."

The house welcomed Dr. Giannone and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

### INTRODUCTION OF GUESTS

The chair recognized Representatives Hill, Madden, Driver, and Goolsby, who introduced a delegation from Richardson.

The chair presented the mayor of Richardson, Gary Slagel, with a copy of **HR 462**.

**HR 462**, designating March 25, 1997, Richardson Telecom Corridor Legislative Day, having been previously adopted, was read.

### **HR 369 - ADOPTED** (by Telford)

Representative Telford moved to suspend all necessary rules to take up and consider at this time **HR 369**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

**HR 369**, Recognizing March 25, 1997, as Texas Association of Public Employee Retirement Systems (TexPERS) Day at the Capitol.

**HR 369** was read and was adopted without objection.

(Speaker in the chair)

### **HR 366 - ADOPTED** (by Hightower)

Representative Hightower moved to suspend all necessary rules to take up and consider at this time **HR 366**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 366**, Recognizing March 25, 1997, as Corrections Day at the State Capitol.

**HR 366** was read and was adopted without objection.

On motion of Representative Telford, the names of all the members of the house were added to **HR 366** as signers thereof.

### INTRODUCTION OF GUESTS

The speaker recognized Representatives G. Lewis and Kubiak, who introduced members of the Buffalo Soldiers.

#### **HR 460 - ADOPTED** (by Oakley)

Representative Oakley moved to suspend all necessary rules to take up and consider at this time **HR 460**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 460**, Recognizing March 25, 1997, as Hunt County Day at the State Capitol.

**HR 460** was read and was adopted without objection.

#### **HR 464 - ADOPTED** (by King)

Representative King moved to suspend all necessary rules to take up and consider at this time **HR 464**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 464**, Welcoming the members of Boy Scout Troop 283 to the Capitol.

**HR 464** was read and was adopted without objection.

#### **HR 476 - ADOPTED** (by Uher)

Representative Uher moved to suspend all necessary rules to take up and consider at this time **HR 476**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 476**, Recognizing March 25, 1997, as Brazoria County Day at the State Capitol.

(Speaker pro tempore in the chair)

**HR 476** was read and was adopted without objection.

### INTRODUCTION OF GUESTS

The chair recognized Representative Bonnen, who introduced a delegation from Brazoria County.

#### HR 235 - READ

**HR 235**, in memory of A. M. "Chick" Anderson, having been previously adopted, was read.

#### HR 463 - ADOPTED

(by Swinford)

Representative Swinford moved to suspend all necessary rules to take up and consider at this time **HR 463**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

**HR 463**, Recognizing the 200 Dumas teenagers participating in the "True Love Waits" program.

**HR 463** was adopted without objection.

### INTRODUCTION OF GUESTS

The chair recognized Representatives Chavez and Serna, who introduced a delegation from the state legislature of Chihuahua, Mexico: Clara Torres Armendariz, state representative, and Luis Villegas Montes, parliamentarian.

(Speaker in the chair)

### BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

### GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

The following bills were laid before the house and read third time:

#### HB 1235 ON THIRD READING

(by Junell, Rodriguez, Kamel, Price, Cuellar, et al.)

**HB 1235**, A bill to be entitled An Act relating to authorizing the issuance of revenue bonds for certain public institutions of higher education.

**HB 1235** was passed.

#### HB 803 ON THIRD READING

(by Kuempel)

**HB 803**, A bill to be entitled An Act relating to investment of the volunteer firefighters' relief and retirement fund.

A record vote was requested.

**HB 803** was passed by (Record 65): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Rodriguez.

Absent — Bonnen.

### **HB 337 ON THIRD READING** (by Telford, et al.)

**HB 337**, A bill to be entitled An Act relating to participation in and benefits from a statewide retirement system for volunteer firefighters and other emergency services personnel.

**HB 337** was passed.

### **HB 101 ON THIRD READING** (by Gray and G. Lewis)

**HB 101**, A bill to be entitled An Act relating to the adoption of the Emergency Management Assistance Compact.

**HB 101** was passed.

### **HB 920 ON THIRD READING** (by D. Jones)

**HB 920**, A bill to be entitled An Act relating to the width of certain vehicles transporting seed cotton modules.

A record vote was requested.

**HB 920** was passed by (Record 66): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bosse; Brimer; Burnam; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Rodriguez.

Absent — Bonnen; Carter; Mowery.

### STATEMENTS OF VOTE

When Record No. 66 was taken, I was in the house but away from my desk. I would have voted yes.

Carter

When Record No. 66 was taken, I was in the house but away from my desk. I would have voted yes.

Mowery

### HB 906 ON THIRD READING (by McCall, et al.)

**HB 906**, A bill to be entitled An Act relating to approval by a lienholder required for payment of an insurance claim; providing a civil penalty.

**HB 906** was passed.

### HB 507 ON THIRD READING (by Dutton)

**HB 507**, A bill to be entitled An Act relating to educational and employment experience requirements for certain individuals hired as guards in facilities that house inmates; providing a penalty.

**HB 507** was passed.

### HB 717 ON THIRD READING (by Bosse and Krusee)

**HB 717**, A bill to be entitled An Act relating to the disposal or temporary storage of litter or solid waste.

**HB 717** was passed.

**HB 1492 ON THIRD READING**  
**(by Hochberg, Crabb, et al.)**

**HB 1492**, A bill to be entitled An Act relating to the powers of a judge.

**HB 1492** was passed. (Corte and Kubiak recorded voting no)

**GENERAL STATE CALENDAR**  
**SENATE BILLS**  
**THIRD READING**

The following bills were laid before the house and read third time:

**SB 249 ON THIRD READING**  
**(S. Turner - House Sponsor)**

**SB 249**, A bill to be entitled An Act relating to the telecommunications infrastructure fund.

Representative S. Turner moved to postpone consideration of **SB 249** until the end of the calendar.

The motion prevailed without objection.

**GENERAL STATE CALENDAR**  
**HOUSE BILLS**  
**SECOND READING**

The following bills were laid before the house and read second time:

**HB 1422 ON SECOND READING**  
**(by Hightower, et al.)**

**HB 1422**, A bill to be entitled An Act relating to prohibiting employment discrimination against certain correctional officers employed by the Texas Department of Criminal Justice for refusing to take a polygraph examination.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Alexander, Representative Hightower offered the following committee amendment to **HB 1422**:

Amend **HB 1422** on page 1, lines 8 and 9, by striking "A correctional officer employed by", and substituting "An employee of" and on line 12, strike "officer" and substitute "employee".

Amendment No. 1 was adopted without objection.

**HB 1422**, as amended, was passed to engrossment.

**HB 438 ON SECOND READING**  
**(by Alvarado, et al.)**

**HB 438**, A bill to be entitled An Act relating to the implementation of a controlled substances testing program to be administered to inmates housed in facilities operated by or under contract with the Texas Department of Criminal Justice.



(Sadler in the chair)

(Speaker in the chair)

### **Amendment No. 1**

Representative Alvarado offered the following amendment to **HB 438**:

Amend **HB 438** as follows:

On Page 1, Lines 21 through 24, and on Page 2, Line 1, strike the existing SECTION 2 of the bill and substitute in lieu thereof a new SECTION 2 to read as follows:

"SECTION 2. The Texas Board of Criminal Justice shall implement the program required by Section 500.007, Government Code, as added by this Act, not later than 90 days after the date on which the Texas Department of Criminal Justice receives federal funds that may be expended for the purpose of testing inmates for the presence of controlled substances and the board shall begin testing of inmates for the presence of controlled substances not later than that date."

Amendment No. 1 was adopted without objection.

**HB 438**, as amended, was passed to engrossment.

### **HB 1050 ON SECOND READING** **(by Gutierrez, et al.)**

**HB 1050**, A bill to be entitled An Act relating to conditions of parole or mandatory supervision for an inmate released after serving a sentence for the offense of stalking.

### **Amendment No. 1**

Representative Gutierrez offered the following amendment to **HB 1050**:

Amend **HB 1050** on page 1 by striking lines 14-21 and substituting the following:

Penal Code:

(A) attend psychological counseling sessions of a type and for a duration as specified by the parole panel, if the parole panel determines in consultation with a local mental health services provider that appropriate mental health services are available through the Texas Department of Mental Health and Mental Retardation in accordance with Section 534.053, Health and Safety Code, or through another mental health services provider; and

(B) [~~may~~] not:

(i) [~~(A)~~] communicate directly or indirectly with the victim; or

(ii) [~~(B)~~] go to or near the residence, place of employment, or business of the victim or to or near a school, day-care facility, or similar facility where a dependent child of the victim is in attendance.

Amendment No. 1 was adopted without objection.

**HB 1050**, as amended, was passed to engrossment.

**HB 156 ON SECOND READING**  
**(by Driver, et al.)**

**HB 156**, A bill to be entitled An Act relating to prohibiting contact with the victim as a mandatory condition of parole or mandatory supervision for certain offenders.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Gray, Representative Driver offered the following committee amendment to **HB 156**:

Amend **HB 156** on page 2, lines 2 and 3, by striking "as specifically described in the copy of conditions".

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Pitts offered the following amendment to **HB 156**:

Amend **HB 156** by adding an appropriately numbered SECTION to read as follows and by renumbering existing SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Article 26.13, Code of Criminal Procedure, is amended by adding Subsection (g) to read as follows:

(g) Before accepting a plea of guilty or a plea of nolo contendere and on the request of a victim of the offense, the court may assist the victim and the defendant in participating in a victim-offender mediation program.

Amendment No. 2 was adopted without objection.

**HB 156**, as amended, was passed to engrossment.

**HB 344 ON SECOND READING**  
**(by Solomons)**

**HB 344**, A bill to be entitled An Act relating to the approval for use of license plates for certain antique vehicles.

**Amendment No. 1**

Representative Junell offered the following amendment to **HB 344**:

Amend **HB 344** by adding a new section to the bill, appropriately numbered, to read as follows, and renumbering subsequent sections of the bill appropriately:

SECTION \_\_\_\_\_. Subchapter F, Chapter 502, Transportation Code, is amended by adding Section 502.293 to read as follows:

Sec. 502.293. COUNTY JUDGES. (a) The department shall design and provide for the issuance of special license plates for passenger cars and light trucks that are owned by persons who are county judges of this state.

(b) License plates issued to county judges under this section shall bear the words "County Judge."

(c) The department shall issue license plates under this section to a person who:

(1) applies to the county tax collector in the county of the person's residence on a form prescribed by the department;

(2) pays the fee prescribed by Subsection (d); and

(3) submits with the application proof that the person is a county judge of this state.

(d) The fee for registration under this section and issuance of the special license plates is the fee otherwise prescribed by this chapter for the vehicle.

(e) Registration under this section is valid for one year and expires in the same manner as do regular motor vehicle registrations, except as provided by Subsection (f).

(f) Registration under this section expires when the owner of the vehicle for which the special plates were issued ceases to be a county judge. The judge shall return the special license plates to the department.

(g) If the owner of a vehicle for which plates are issued under this section disposes of the vehicle during a registration year, the person shall return the special plates to the department, and at that time may apply for issuance of those plates to another vehicle.

(h) If license plates issued under this section are lost, stolen, or mutilated, the owner of the vehicle for which the plates were issued may obtain replacement plates from the department by paying a replacement fee of \$5.

(i) In this section, "county judge" means the judge of the county court established by Section 15, Article V, Texas Constitution.

Amendment No. 1 was adopted without objection.

#### **Amendment No. 2**

Representative Horn offered the following amendment to **HB 344**:

Amend **HB 344** by adding Section 2 as follows and renumbering subsequent sections accordingly:

SECTION 2. Section 502.275(k), Transportation Code, is added to read as follows:

(k) Notwithstanding any other section of the code, a vehicle issued plates under Section 502.275(a) shall be required to display only one license plate which is to be attached to the rear of the vehicle.

Amendment No. 2 was adopted without objection.

**HB 344**, as amended, was passed to engrossment.

#### **HB 449 ON SECOND READING (by Eiland)**

**HB 449**, A bill to be entitled An Act relating to the control of and disabling of gambling devices, equipment, or paraphernalia while an ocean-going vessel is in the territorial waters of this state.

#### **Amendment No. 1**

Representative Eiland offered the following amendment to **HB 449**:

Amend **HB 449** as follows:

On page 2, strike lines 14-24 and substitute the following:

"(3) at all times while the vessel is in the territorial waters of this state, no person other than the master and crew of the vessel is permitted, for the purposes of inspecting or repairing the device, equipment, or paraphernalia, to;

(A) enter or view the portion of the vessel in which the device, equipment, or paraphernalia is locked or secured under Subdivision (2)(A); or

(B) uncover the device, equipment, or paraphernalia or remove any disabling device located on the vessel [~~located while the vessel is in the territorial waters of this state~~]; and".

Amendment No. 1 was adopted without objection.

A record vote was requested.

**HB 449**, as amended, was passed to engrossment by (Record 67): 95 Yeas, 47 Nays, 1 Present, not voting.

Yeas — Alexander; Alvarado; Bailey; Berlanga; Bosse; Brimer; Burnam; Carter; Chavez; Coleman; Counts; Cuellar; Danburg; Davila; Davis; Denny; Dukes; Dunnam; Dutton; Ehrhardt; Eiland; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Gutierrez; Haggerty; Hamric; Hawley; Hernandez; Hightower; Hilbert; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Hupp; Janek; Jones, J.; Junell; Keel; King; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno; Mowery; Naishtat; Oakley; Oliveira; Olivo; Pickett; Place; Price; Puente; Ramsay; Rangel; Reyna, A.; Rhodes; Roman; Sadler; Smith; Solis; Solomons; Staples; Stiles; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; Wilson; Wise; Wolens; Woolley; Yarbrough; Zbranek.

Nays — Allen; Bonnen; Chisum; Christian; Clark; Cook; Corte; Crabb; Craddick; Culberson; Delisi; Driver; Elkins; Finnell; Galloway; Grusendorf; Hartnett; Heflin; Hilderbran; Hill; Horn; Howard; Hunter; Isett; Jackson; Kamel; Keffer; Krusee; Kubiak; Madden; Moffat; Nixon; Palmer; Patterson; Rabuck; Raymond; Reyna, E.; Seaman; Shields; Siebert; Smithee; Swinford; Talton; West; Williams; Williamson; Wohlgemuth.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Rodriguez.

Absent — Averitt; Edwards; Jones, D.; Marchant; Pitts; Serna.

### STATEMENTS OF VOTE

When Record No. 67 was taken, I was temporarily out of the house chamber. I would have voted no.

Pitts

I was shown voting yes on Record No. 67. I intended to vote no.

Staples

### HB 220 ON SECOND READING (by Maxey)

**HB 220**, A bill to be entitled An Act relating to discrimination in employment based on certain perceived disabilities.

**Amendment No. 1**

Representative Corte offered the following amendment to **HB 220**:

Amend **HB 220** as follows:

On page 1, lines 16-17, after the word "infection" and before the word "that" insert the following:

"as defined in Health and Safety Code, section 81.003 or required to be reported under Health and Safety Code, section 81.041"

Amendment No. 1 was adopted without objection.

**HB 220**, as amended, was passed to engrossment. (Finnell, Galloway, E. Reyna, Shields, and Talton recorded voting no)

**CSHB 1150 ON SECOND READING**  
(by Greenberg, et al.)

**CSHB 1150**, A bill to be entitled An Act relating to the notification of school personnel of the arrest or detention of a student and any subsequent disposition of that arrest or detention.

**Amendment No. 1**

Representative Greenberg offered the following amendment to **CSHB 1150**:

Amend **CSHB 1150** as follows:

(1) In Section 1 of the bill, amended Article 15.27(h)(1), Code of Criminal Procedure (Committee Printing page 1) strike lines 9-14 and substitute:

"(1) an offense under [listed in Section 8(c), Article 42.18, Code of Criminal Procedure; reckless conduct, as described by] Section 19.02, 19.03, 19.04, 19.05, 20.02, 20.03, 20.04, 21.08, 21.11, 22.01, 22.011, 22.02, 22.021, 22.04, 22.05, [Penal Code; or a terroristic threat, as described by Section] 22.07, 28.02, 29.02, 29.03, 30.02, or 71.02, Penal Code;"

(2) In Section 1 of the bill, amended Article 15.27(h)(4), Code of Criminal Procedure (Committee Printing page 1, line 24 through page 2, line 2), strike "by the student, or by a party to the offense whom the student knew would use or exhibit the weapon, during the commission of the offense or the immediate flight from the offense".

Amendment No. 1 was adopted without objection.

**CSHB 1150**, as amended, was passed to engrossment.

**CSHB 1266 ON SECOND READING**  
(by Oliveira, Williams, and Seaman)

**CSHB 1266**, A bill to be entitled An Act relating to a loan the proceeds of which are used to purchase an interest in a certain trust or entity that owns real property located outside the United States.

**CSHB 1266** was passed to engrossment. (Kubiak recorded voting no)

**CSHB 646 ON SECOND READING**  
(by Goodman, et al.)

**CSHB 646**, A bill to be entitled An Act relating to jury submissions in a suit affecting the parent-child relationship.

**CSHB 646** was passed to engrossment.

**HB 138 ON SECOND READING**  
**(by Woolley, Greenberg, Telford, and Giddings)**

**HB 138**, A bill to be entitled An Act relating to authorization of the creation of Texas growth fund II.

**HB 138** was passed to engrossment.

**HB 51 ON SECOND READING**  
**(by Madden, S. Turner, Gutierrez, and Finnell)**

**HB 51**, A bill to be entitled An Act relating to requiring a declaration of write-in candidacy in an election for the members of the governing body of a junior college district or the board of a hospital district.

**HB 51** was passed to engrossment.

**HB 670 ON SECOND READING**  
**(by Shields, et al.)**

**HB 670**, A bill to be entitled An Act relating to the appraisal of property located in more than one appraisal district.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Holzheuser, Representative Shields offered the following committee amendment to **HB 670**:

Amend **HB 670** as follows:

On page 1, line 8, inserting the phrase "single family residence" between the words "property" and "which."

**Amendment No. 2**

Representative B. Turner offered the following amendment to Amendment No. 1:

Amend Committee Amendment No. 1 to **HB 670** to read as follows:

Amend **HB 670** as follows:

On page 1, line 8, insert "single family residential or agricultural" between the words "which" and "property".

Amendment No. 2 was adopted without objection.

Amendment No. 1, as amended, was adopted without objection.

**Amendment No. 3**

Representative Patterson offered the following amendment to **HB 670**:

Amend **HB 670** (Committee Printing, page 1, lines 13-16), by striking "at an appraised value that is less than the appraised value of that property as determined by the chief appraiser of the appraisal district established for the other county".

Representative Shields moved to table Amendment No. 3.

The motion to table was withdrawn.

Amendment No. 3 was withdrawn.

Representative Shields moved to reconsider the vote by which Amendment No. 1, as amended, was adopted.

The motion to reconsider prevailed.

Representative B. Turner moved to reconsider the vote by which Amendment No. 2 was adopted.

The motion to reconsider prevailed.

Amendment No. 2 was withdrawn.

Representative Shields moved to table Amendment No. 1.

The motion to table prevailed.

**HB 670** was passed to engrossment. (Horn recorded voting no)

### **RESOLUTIONS CALENDAR**

The speaker laid before the house the following resolution:

**HCR 11** (by Wilson, Danburg, Hochberg, Howard, and Olivo), Requesting the governor to order the state flag to be flown at half-staff to honor the memory of Fort Bend County Assistant District Attorney Gil Epstein.

**HCR 11** was adopted without objection.

### **POSTPONED BUSINESS**

The following bills were laid before the house as postponed business:

#### **SB 249 ON THIRD READING (S. Turner - House Sponsor)**

**SB 249**, A bill to be entitled An Act relating to the telecommunications infrastructure fund.

**SB 249** was read third time earlier today and was postponed until this time.

#### **Amendment No. 1**

Representatives Smithee and S. Turner offered the following amendment to **SB 249**:

Amend **SB 249** on third reading in SECTION 2 of the bill by striking the last sentence of Section 3.606(j), Public Utility Regulatory Act of 1995 (Article 1446c-0, Vernon's Texas Civil Statutes), as added by the Smithee amendment adopted on 2nd reading, and Substituting the following:

The obligation to pay the assessment imposed by this subsection is the obligation of the telecommunications utility or commercial mobile service provider and, to the extent not prohibited or preempted by federal law, may not be separately stated on a customer's bill.

Amendment No. 1 was adopted without objection.

A record vote was requested.

**SB 249**, as amended, was passed by (Record 68): 140 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Counts; Crabb; Craddick; Cuellar; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wise; Wolens; Woolley; Yarbrough; Zbranek.

Nays — Culberson; Hartnett; Reyna, E.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Rodriguez.

Absent — Corte; Jackson; Nixon; Wilson; Wohlgemuth.

### STATEMENTS OF VOTE

When Record No. 68 was taken, I was in the house but away from my desk. I would have voted yes.

Corte

I was shown voting yes on Record No. 68. I intended to vote no.

Horn

### HCR 173 - ADOPTED (by Uher)

Representative Uher moved to suspend all necessary rules to take up and consider at this time **HCR 173**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HCR 173**, Resolving that all state departments and agencies be closed for a half day beginning at noon on Friday, March 28, 1997, in observance of Good Friday.

**HCR 173** was read and was adopted without objection.

On motion of Representative Greenberg, the names of all the members of the house were added to **HCR 173** as signers thereof.



**HR 459 - ADOPTED**  
**(by Wise)**

Representative Wise moved to suspend all necessary rules to take up and consider at this time **HR 459**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 459**, Welcoming students from Cuellar Middle School to the State Capitol on March 25, 1997.

**HR 459** was read and was adopted without objection.

On motion of Representative Wise, the names of all the members of the house were added to **HR 459** as signers thereof.

**RULES SUSPENDED**

Representative Craddick moved to suspend the 5-day posting rule to allow the Committee on Ways and Means to meet at 1:00 p.m. instead of 3 p.m.

The motion prevailed without objection.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Ways and Means, 1:00 p.m. today, Room 106, Reagan Building.

Licensing and Administrative Procedures, on adjournment today, Desk 66, to consider **HB 1711**.

Economic Development, on adjournment today, to consider all posted bills.

Energy Resources, on adjournment today.

**ADJOURNMENT**

Representative Uher moved that the house adjourn until 10 a.m. tomorrow in memory of Merwyn Igo.

The motion prevailed without objection.

The house accordingly, at 12:58 p.m., adjourned until 10 a.m. tomorrow.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

**List No. 1**

**HB 3542** (by Driver), Relating to the creation of municipal courts of record for the City of Rowlett.

To Judicial Affairs.

**HB 3543** (by Bosse), Relating to the use of certain titles by motor vehicle lessors and lease facilitators.

To Transportation.

**HR 465** (by Zbranek), Congratulating the Silsbee High School girls' basketball team.

To Rules & Resolutions.

**HR 466** (by Zbranek), Congratulating the Barbers Hill High School Lady Eagles on winning the Class 3A State Basketball Championship.

To Rules & Resolutions.

**HR 467** (by Zbranek), Congratulating the Kountze High School Lions boys' basketball team.

To Rules & Resolutions.

**HR 468** (by Zbranek), Congratulating the East Chambers High School Lady Buccaneers on their outstanding season.

To Rules & Resolutions.

**HR 469** (by Davis), Congratulating the Kimball High School boys' basketball team on winning the 1997 UIL Class 5-A state championship.

To Rules & Resolutions.

**HR 470** (by Serna), Congratulating Roberto and Esther Navarro on the occasion of their 52nd wedding anniversary.

To Rules & Resolutions.

**HR 471** (by Serna), Congratulating Juan and Ofelia Arellano on the occasion of their 52nd wedding anniversary.

To Rules & Resolutions.

**HR 472** (by McClendon), Honoring Dr. James L. Hadnott.

To Rules & Resolutions.

**HR 473** (by McClendon), Honoring Dr. Joseph A. Pierce, Jr.

To Rules & Resolutions.

**HR 474** (by McClendon), Congratulating Dr. Frank Bryant on his receipt of the Outstanding Citizenship Award.

To Rules & Resolutions.

**HR 475** (by Moreno), Granting honorary Texas citizenship to the visiting delegation of the Guanajuato Exchange Program.

To Rules & Resolutions.

**SB 64** to State Affairs.

**SB 86** to State Affairs.

**SB 121** to Criminal Jurisprudence.

**SB 513** to Elections.

**SB 601** to Urban Affairs.

**SB 617** to Public Health.

**SCR 14** to Human Services.

**SCR 57** to State, Federal & International Relations.

**SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**House List No. 24**

**HCR 27, HCR 75, HCR 129, HCR 163, HCR 166, HCR 167**

**MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

**Message No. 1**

**MESSAGE FROM THE SENATE**

**SENATE CHAMBER**

Austin, Texas

Tuesday, March 25, 1997

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

**THE SENATE HAS PASSED THE FOLLOWING MEASURES:**

**HB 578** Craddick SPONSOR: Bivins  
Relating to certain licensed nonresident insurance agents.  
(AMENDED)

**SB 52** Shapiro  
Relating to the validity of certain orders affecting the parent-child relationship.

**SB 99** Patterson, Jerry  
Relating to the wearing of and to the offense of failing to wear protective headgear by certain motorcycle operators and passengers.

**SB 403** Zaffirini  
Relating to funding of the Medicaid disproportionate share program through an assessment imposed against certain hospitals and hospital districts.

**SB 788** Ellis  
Relating to the filing of annual reports of community benefits plans by nonprofit hospitals.

**SB 909** Zaffirini  
Relating to certain electronic benefits transfer accounts that are inactive.

Respectfully,

Betty King  
Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

March 24

Civil Practices - **HB 657, HB 785, HCR 96**

Corrections - **HB 214**

County Affairs - **HB 1564**

Economic Development - **HB 39, HB 1300, HB 1410, HB 1414, HB 1525, HB 1720**

Public Health - **HB 750**

**ENROLLED**

March 24 - **HCR 27, HCR 75, HCR 129, HCR 163, HCR 166, HCR 167**

**SENT TO THE GOVERNOR**

March 24 - **HCR 157**